

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LAWRENCE R. BAILEY, JR.,

ANSWER

Plaintiff,

08 Civ. 1473 (WHP)

-against-

TARGET CORPORATION,

Defendant.
-----X

C O U N S E L O R (S) :

PLEASE TAKE NOTICE, that the defendant, TARGET CORPORATION, by its attorneys, CONNORS & CONNORS, P.C., answering the Complaint herein, states as follows:

1. Denies any knowledge or information thereof sufficient to form a belief as to the allegations of the complaint set forth in paragraphs 1, 3, 10, 17, 24, 31 and 38.
2. Admits each and every allegation of the complaint set forth in paragraphs 2, 4, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29, 34, 35, and 36.
3. Denies each and every allegation of the complaint set forth in paragraphs 5, 9, 10, 11, 12, 16, 18, 19, 23, 25, 26, 30, 32, 33, 37 and 39.

ANSWERING THE FIRST CAUSE OF ACTION

4. Answering paragraph number 40, Defendant, TARGET CORPORATION, repeats reiterates and realleges each and every allegation contained herein as though set forth at length herein.

5. Denies each and every allegation of the complaint set forth in paragraphs 41, 42, 43, 45 and 46.

6. Denies any knowledge or information thereof sufficient to form a belief as to the allegations of the complaint set forth in paragraph 44.

ANSWERING THE SECOND CAUSE OF ACTION

7. Answering paragraph number 47, Defendant, TARGET CORPORATION, repeats reiterates and realleges each and every allegation contained herein as though set forth at length herein.

8. Denies any knowledge or information thereof sufficient to form a belief as to the allegations of the complaint set forth in paragraphs 48 and 49.

9. Denies each and every allegation of the complaint set forth in paragraphs 50, 51, 52 and 53.

ANSWERING THE THIRD CAUSE OF ACTION

10. Answering paragraph number 54, Defendant, TARGET CORPORATION, repeats reiterates and realleges each and every allegation contained herein as though set forth at length herein.

11. Denies each and every allegation of the complaint set forth in paragraph 55.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Prior to each of the transactions alleged by plaintiff, plaintiff issued checks payable to non-party spouse, Juliet Bailey, and those checks were effectively endorsed to Target National Bank for payment of amounts due to Target National Bank.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Any fraud and/or conversion was committed by non-party spouse, Juliet Bailey, by representing the amounts on the checks issued by plaintiff and payable to her exceeded the amounts stated thereon.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Any fraud and/or conversion was committed by non-party spouse, Juliet Bailey, misrepresenting her authority to act on her own behalf and as plaintiff's spouse.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

The joint and several liability of the defendant is limited by application of Article 16 of the CPLR.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

That any injuries which may have been suffered by the plaintiff herein, were caused in whole or in part as the result of their own culpable conduct contributing thereto.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Upon information and belief, plaintiff's economic loss, if any, as specified in Section 4545 of the CPLR, was or will be replaced or indemnified, in whole or in part, from collateral sources, and these answering defendants are entitled to have the Court consider the same in determining such special damages as provided in Section 4545 of the CPLR.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE


There is a prior action pending between plaintiff and non-party spouse, Juliet Bailey, in which plaintiff asserts the same monetary claims.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

There is a prior action pending between plaintiff and non-party, JP Morgan Chase in which plaintiff asserts the same monetary claims.

WHEREFORE, the answering Defendant demands judgment dismissing the complaint on the plaintiff against this defendant, together with costs and disbursements of this action.


Dated: Staten Island, New York
May 6, 2008


MICHAEL J. CAULFIELD (7206)
CONNORS & CONNORS, P.C.
Attorneys for **Defendant,**
TARGET CORPORATION
766 Castleton Avenue
Staten Island, NY 10310
(718) 442-1700
File No. DTS 23699

TO: LAWRENCE R. BAILEY, JR.
Plaintiff Pro Se
555 Kappock Street
Riverdale, NY 10463
(646) 218-7510

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER was mailed by first class mail, postage prepaid this 7th day of May, 2008 to all counsel of record as indicated below.


MICHAEL J. CAULFIELD (7206)

TO: LAWRENCE R. BAILEY, JR.
Plaintiff Pro Se
555 Kappock Street
Riverdale, NY 10463
(646) 218-7510

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LAWRENCE R. BAILEY, JR.,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.

ANSWER

CONNORS & CONNORS, P.C.
Attorneys for DEFENDANT, TARGET CORPORATION
Office and Post Office Address, Telephone
766 Castleton Avenue
Staten Island, New York 10310
(718) 442-1700 PHONE
(718) 442-1717 FAX

To

Signature (Rule 130-1.1(a) (1))

Print name beneath

MICHAEL J. CAULFIELD (7206)

Attorney(s) for

Service of a copy of the within

is hereby admitted,

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

Dated,

Yours, etc.

CONNORS & CONNORS, P.C.
Attorneys for

To

Attorney(s) for

Office and Post Office Address
766 CASTLETON AVENUE
STATEN ISLAND, NEW YORK 10310